

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:19-cr-00126

JOHN EDWARD ROACH, II

ORDER

At a hearing held on August 13, 2019, the defendant, John Edward Roach, II appeared in person and by counsel, Mark S. Plants, for the purpose of the defendant's plea to the single-count Indictment filed against him. The United States was represented at the hearing by Drew O. Inman, AUSA.

The court inquired of the defendant, both personally and through counsel, to determine the defendant's competency. The court found the defendant competent and capable of entering an informed plea.

Mr. Inman summarized and offered for the court's consideration the entirety of the written plea agreement in this case signed by both the defendant and his counsel. The court reserved acceptance of the plea agreement until sentencing but ordered the original plea agreement filed with the Clerk.

The court then read to the defendant the charge contained in the Indictment. The court inquired as to the defendant's plea. The defendant then pleaded guilty.

The court then read the pertinent portion of 21 U.S.C. § 841 (a) (1). The court explained the elements that the United States would have had to prove had this matter gone to trial. After hearing and considering the defendant's explanation of why he considered himself guilty and hearing evidence from the United States about what it would have been able to prove at trial, the court found that there was a sufficient factual basis for the defendant's plea of guilty.

The court further informed the defendant, pursuant to the requirements of *Fed. R. Crim. P.* 11(c)(1), of the nature of the charge and of the consequences of pleading guilty to the charge. After explaining thoroughly these items and after hearing and considering the defendant's responses to the court's questions, the court found that the defendant understood the nature of the charge and the consequences of pleading guilty.

The court further informed the defendant, pursuant to the requirements of *Fed. R. Crim. P.* 11(c)(3), (c)(4), of the constitutional and other legal rights that the defendant was giving up by pleading guilty. After explaining thoroughly these items and after hearing and considering the defendant's responses to the court's questions, the court found that the defendant understood [his/her] constitutional and other legal rights.

The court further inquired of the defendant, pursuant to the requirements of *Fed. R. Crim. P.* 11(d), to insure that the defendant's plea was voluntary. After hearing and considering the defendant's responses to the court's questions, the court found that the defendant's plea was voluntary.

The defendant further executed a written plea of guilty which was witnessed by his counsel and ordered filed by the court. The court accepted the defendant's plea. Accordingly, the court **ADJUDGES** the defendant, John Edward Roach, II guilty, and the defendant now stands

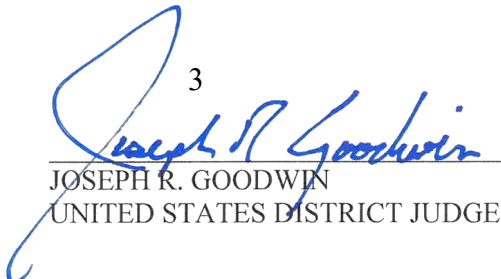
convicted of violating 21 U.S.C. § 841 (a) (1).

The court **ORDERS** that the Probation Office prepare and forward a draft presentence report to the United States and counsel for the defendant no later than **September 25, 2019**; that the United States Attorney and counsel for the defendant file objections to the draft presentence report no later than **October 9, 2019**; that the Probation Office submit a final presentence report to the court no later than **October 23, 2019**; and that the United States and counsel for the defendant file a sentencing memorandum no later than **October 30, 2019**. In their respective sentencing memoranda, the court **ORDERS** the United States and counsel for the defendant to offer any evidence or argument related to a requested sentence or sentencing range in light of *Gall v. United States*, 552 U.S. 38 (2007). The court **SCHEDULES** final disposition of this matter for **November 6, 2019 at 11:00 a.m.**

The court **ORDERS** the defendant released on the previously executed \$10,000 unsecured bond, subject to the conditions set forth in the Order Setting Conditions of Release previously filed herein and the standard conditions of release in this district. In addition, the court **ORDERS** the defendant to comply with the following special conditions of release: that the defendant shall be placed on home incarceration with electronic monitoring; that the defendant shall have a personal custodian to oversee the defendant while on release; Barbara Roach shall serve as the personal custodian; and that the defendant appear for sentencing on **November 6, 2019 at 11:00 a.m.** The court recommends frequent visits by the probation office.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: August 13, 2019

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JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE